

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**IN RE PEANUT FARMERS ANTITRUST
LITIGATION**

Court File No. 2:19-cv-00463-RAJ-LRL

**Honorable Raymond A. Jackson
Honorable Lawrence R. Leonard**

**PLAINTIFFS' MOTION TO PRELIMINARILY APPROVE
SETTLEMENT WITH DEFENDANT GOLDEN PEANUT AND TO
AUTHORIZE DISSEMINATION OF NOTICE TO THE CLASS**

Plaintiffs D&M Farms, Mark Hasty, Dustin Land, Lonnie Gilbert, Daniel Howell and Rocky Creek Farms (collectively "Plaintiffs") respectfully move the Court to preliminarily approve their Settlement Agreement with Golden Peanut Company, LLC ("Golden Peanut"), authorize dissemination of notice to the Class, and set a date for the Final Fairness Hearing. At the Final Fairness Hearing, Plaintiffs' Co-Lead Counsel will request entry of a final order and judgment ("Final Order"), consistent with the Settlement Agreement, dismissing with prejudice all claims against Golden Peanut, and retaining jurisdiction for the implementation and enforcement of the Settlement Agreement only.

Further, although the Court certified this case as a class action on December 2, 2020 (ECF 516), the Certification Order did not formally appoint the named plaintiffs (D&M Farms, Mark Hasty, Dustin Land, Lonnie Gilbert, Daniel Howell and Rocky Creek Farms) as representatives of the Class, nor did it formally appoint (a) Brian D. Clark of Lockridge Grindal Nauen PLLP and Kimberly A. Justice of Freed Kanner London & Millen LLC as Co-Lead Counsel for the Class, and (b) Wyatt B. Durette, Jr., of Durette, Arkema, Gerson & Gill PC as Liaison Counsel for the Class. While the Court did make the foregoing appointments for the

Olam and Birdsong settlement classes (*see* ECF Nos. 514 and 515), Plaintiffs request that the Court make such appointments formally on behalf of the certified Class.

In support of this motion, Plaintiffs submit herewith a Memorandum of Law in Support, Declaration of Brian D. Clark, and proposed order.

Dated: March 11, 2021

Respectfully submitted,

/s/ Kevin J. Funk

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CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically e-mail notification of such filing to all counsel of record.

To the best of my knowledge, there are no other attorneys or parties who require service by U.S. Mail.

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